

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:)	Case No.: 19-02507
Larry J Walton)	
)	Chapter 13
)	
Debtor(s).)	Judge Carol A. Doyle

NOTICE OF MOTION

To: Larry J Walton, 7337 S South Shore Dr, Unit 201 Chicago, IL 60649 *via US Mail*
Tom Vaughn, Chapter 13 Trustee *notice via ECF delivery system*
The United States Trustee *notice via ECF delivery system*
Shellpoint Mortgage Servicing, PO Box 51850, Livonia, MI 48150 *via certified Mail*
Shellpoint Mortgage Servicing, Attn: Kara Watt, Compliance Manger, PO Box 10826,
Greenville, SC 29603-0826 *via certified Mail*
Kevin Harrigan, Chief Executive Officer, NewRez LLC d/b/a Shellpoint Mortgage
Servicing, 4000 Chemical Road Suite 200 Plymouth Meeting, PA 19462 *via certified Mail*
CORPORATION SERVICE COMPANY, Registered Agent for NewRez LLC d/b/a
Shellpoint Mortgage Servicing., 1201 HAYS STREET, TALLAHASSEE, FL 32301-
2525 *via certified Mail*
Kovitz Shifrin Nesbit, Attn: Ronald J. Kapustka, 175 N. Archer Avenue, Mundelein, IL
60060 *notice via US Mail*
Lake Terrace Condo Association, 7337 S South Shore Dr., Chicago, IL 60649 *notice via US Mail*
See attached service list

PLEASE TAKE NOTICE that on April 23, 2019 at 9:30 a.m. or as soon thereafter as I may be heard, I shall appear before the Honorable Judge Carol A. Doyle or any other Bankruptcy Judge presiding in her place in at 219 South Dearborn, Courtroom 742, Chicago, IL, 60604 on the attached **Debtor's Motion to Determine Amount of Secured/Priority Claim (Rule 3012)** and shall request that the attached Order be entered, at which time you may appear if so desired.

/s/ David H. Cutler
David H. Cutler, esq.
Attorney for Debtor(s)
Cutler & Associates Ltd.
4131 Main St.
Skokie IL 60076
(847) 673-8600

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of this Notice and Motion was mailed to the above persons, at their respective addresses, postage prepaid, by depositing in the U.S. Mail and via certified mail to the persons listed above at 4131 Main St, Skokie IL 60076, before 5:00 p.m. on or before March 26, 2019.

/s/ David H. Cutler
Attorney for Debtor(s)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:)	Case No.: 19-02507
Larry J Walton)	
)	Chapter 13
)	
Debtor(s).)	Judge Carol A. Doyle

MOTION TO DETERMINE AMOUNT OF SECURED/PRIORITY (RULE 3012)

NOW COMES the Debtor, Larry J Walton. by and through his Attorneys, Cutler and Associates, Ltd., and complaint of Shellpoint Mortgage Servicing, N.A. to 11 U.S.C. § 506(a), 28 U.S.C. 157(b)(2)(K) and Fed. R. Bankr.Pro. 3012 and states as follows:

1. The Debtor, Larry J Walton, owns the property located at 7337 S South Shore Dr, Unit 201 Chicago, IL 60649.
2. Shellpoint Mortgage Servicing, holds the first mortgage lien (account ending in 1736) on the aforementioned real estate.
3. Shellpoint Mortgage Servicing, also holds the second mortgage lien (account ending in 5384) on the aforementioned real estate.
4. On January 29, 2019, Larry J Walton filed a Petition for Relief under Chapter 13 of Title 11 of the United States Code in the Northern District of Illinois, Eastern Division, as case number 19-02507.
5. The Debtors plan has not yet been confirmed.
6. This motion arises under Section 506 of the United States Bankruptcy Code.
7. This Honorable Court has jurisdiction pursuant to 28 U.S.C. §§ 151, 157 and 1334 and Local Rule 2.33 of the United States District Court for the Northern District of

Illinois, in that this action relates to the Bankruptcy Case No. 19-02507, In Re: Larry J Walton, which is presently pending before this Honorable Court.

8. This proceeding is a core proceeding under 28 U.S.C. § 157(b)(2)(K).
9. Larry J Walton is the owner of real estate (hereinafter called “the real estate”) commonly known as 7337 S South Shore Dr, Unit 201 Chicago, IL 60649.
10. The fair market value of the real estate is \$34,612.00 pursuant to the Comparative Market Analysis report dated March 21, 2019. Please see attached Exhibit A.
11. A first mortgage lien (account ending in 1736) is held by Shellpoint Mortgage Servicing in the estimated secured amount of \$70,243.00.
12. A second mortgage lien (account ending in 5384) is also held by Shellpoint Mortgage Servicing on the property located at 7337 S South Shore Dr, Unit 201 Chicago, IL 60649 in the amount estimated amount of \$4,999.00.
13. Under 11 U.S.C. §§ 506(a), Shellpoint Mortgage Servicing’s secured lien would be an allowed secured claim to the extent of the value of the estate’s interest in the property securing the claim and the Shellpoint Mortgage Servicing second lien is void to the extent it is not an allowed secured claim.
14. The amount owed on the first mortgage, is an estimated \$70,243.00 and exceeds the value of the underlying property, which is valued at \$34,612.00 per the comparative market analysis performed on March 21, 2019.

WHEREFORE, Debtor, Larry J Walton, prays that this Honorable Court enter an order (i) valuing the Debtor’s real estate at \$34,612.00 (ii) and finds that the second lien (account ending in 5384) of Shellpoint Mortgage Servicing with an estimated balance of \$4,999.00 is completely unsecured and (iii) for such further relief as this Court deems just and proper.

Respectfully Submitted,

/s/ David H. Cutler

David H. Cutler, esq.
Attorney for Debtor(s)
Cutler & Associates Ltd.
4131 Main St.
Skokie IL 60076
(847) 673-8600